

IN SENATE OF THE UNITED STATES.

FEBRUARY 17, 1845.

Submitted, and ordered to be printed.

Mr. ARCHER made the following

REPORT:

*The Committee on Foreign Relations, to whom has been referred the petition of John Baldwin, have had the same under consideration, and report:*

That the petitioner, a claimant under the late Mexican convention of the 11th of April, 1839, was one of those to whom a considerable sum was found due and awarded. By the convention of the 30th of January, 1843, the Mexican Government obliged itself to pay the sums awarded in twenty quarterly instalments, to commence on the 30th of July, 1843. These instalments were discharged down to that which fell due on the 30th of January, 1844. The instalments becoming due since that period have not been paid.

The petitioner submits a view of the circumstances which have attended the transactions between the United States and Mexico since that period, with the design to show that the regular fulfilment of her obligations with regard to these payments, on the part of Mexico, has been prevented by the attitude which the Government of the United States has taken towards that Government, in the agitation of a policy for the annexation of Texas to the Union. Disclaiming any purpose of complaint as regards that policy, the petitioner insists that it has been owing to its revival, and the intimation of the purpose of reviving it, during last fall, by our minister in Mexico, Mr. Shannon, that the Mexican payments from January, 1844, are not in hand for distribution.

On the ground that the satisfaction of his own proportion of these payments has been prevented by the action of his own Government, he alleges that he conceives himself authorized to ask that the Government shall assume the payment for the instalments in arrear, and also for those which may be brought in arrear from the same cause—the disturbance of harmony between the two Governments by the action of our Government.

Without going into an inquiry as respects the correctness of the assertion, that the Government has been the occasion of the non-payment of the instalments due in arrear under the Mexican commission, the committee do not think the petitioner entitled to the relief which he claims; and this on a ground of public law, not open, as they conceive, to question. In cases in which the Government appropriates the property of the citizen to its own uses, the State is bound to indemnify. Not so, if the loss has resulted as an incident to the pursuit of an object of public policy

by the Government. If this latter principle were admitted, the policy of the Government would have to submit to the control of individual in place of general interests, and the responsibilities of the Government for personal losses be indefinite. A citizen losing his claim on a foreign Government, as a result of a policy of his own Government, is no more entitled to compensation than he would be in the case of the capture of property in war. This is a casualty to which he must stand exposed, as the population of the country would be to injuries from a foreign inroad.

The view of the petitioner may be right, as to the cause of the non-payment of the Mexican instalments. It is more probable that the failure to pay would have occurred from the inability to pay, had there been no disturbance of harmony between the Governments of Mexico and the United States, from the project of annexing Texas, or any other cause.

In any event, in the view that has been presented, the petitioner would have no claim, founded in public law or usage, to the relief asked.

The committee submit, therefore, a *resolution*, that they be discharged from the further consideration of the petition.